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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

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TARA GAGLIARDI,  
  
Plaintiff,

v.

UNITED STATES OF AMERICA,  
  
Defendant.

**MEMORANDUM DECISION AND  
ORDER DENYING MOTION TO LIFT  
STAY FOR LIMITED PURPOSE**

Case No. 2:18-cv-00588-DN

District Judge David Nuffer

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Plaintiff Tara Gagliardi filed a motion (“Motion”) to lift the stay in this case for the limited purpose of allowing her “to move to transfer venue to the United States District Court for the District of Arizona.”<sup>1</sup> The stay to which she refers was imposed in accordance with a restraining order (“Restraining Order”) entered in *In re National Park Service and Public Vessels Buoy Tenders*, case no. 4:18-cv-00065-DN (D. Utah), (the “Limitation Action”), which states:

IT IS FURTHER ORDERED that the continued prosecution of any and all suits, actions or proceedings which may have already begun against the Plaintiff [United States of America] in any Court whatsoever to recover damages arising out of, occasioned by, or consequent upon the aforesaid collision and the institution or prosecution of any suits, actions or legal proceedings of any nature or description whatsoever in any Court, except in this proceeding for exoneration from or limitation of liability, against Plaintiff in respect of any claim or claims arising out of the aforesaid incident, or otherwise subject to limitation in this proceeding, be and they hereby are stayed and restrained until the hearing and determination of this action.<sup>2</sup>

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<sup>1</sup> Motion to Lift Stay for the Limited Purpose of Transferring Venue, [docket no. 22](#), filed January 11, 2019; *see* Order Staying Case Until Resolution of 4:18-cv-65-DN, docket no. 21, entered September 28, 2018.

<sup>2</sup> Order Restraining Suits and Directing Issuance of Notice (“Restraining Order”), at 3, [dkt. no. 11](#), filed September 28, 2018, in the Limitation Action; *see* Order Directing Issuance of Notice and Restraining Order, [dkt. no. 13](#), filed October 19, 2018, in *In re: All In Boat Rentals Inc.*, case no. 4:18-cv-00068-DN.

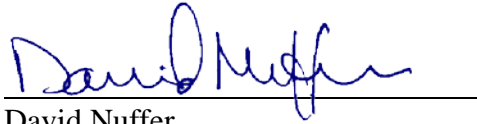
Because the stay in this case is governed by the Restraining Order in the Limitation Action, the proper forum in which Gagliardi should seek relief from the stay is in the Limitation Action—not this case.

**ORDER**

THEREFORE, IT IS HEREBY ORDERED that the Motion<sup>3</sup> is DENIED without prejudice to Gagliardi's ability to request relief from the stay in the Limitation Action.

Signed January 17, 2019.

BY THE COURT:



David Nuffer  
United States District Judge

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<sup>3</sup> [Docket no. 22](#), filed January 11, 2019.